

THOMAS E. FRANKOVICH (State Bar #074414)
 JESSICA A. DAYTON (State Bar #231698)
 THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION
 2806 Van Ness Avenue
 San Francisco, CA 94109
 Telephone: 415/674-8600
 Facsimile: 415/674-9900

Attorneys for Plaintiffs JAREK MOLSKI
 and DISABILITY RIGHTS
 ENFORCEMENT, EDUCATION
 SERVICES: HELPING YOU
 HELP OTHERS

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

JAREK MOLSKI, an individual; and
 DISABILITY RIGHTS
 ENFORCEMENT, EDUCATION
 SERVICES: HELPING YOU HELP
 OTHERS, a California public benefit
 corporation,
 Plaintiffs,
 v.
 EL 7 MARES RESTAURANT;
 ADALBERTO & SARA AVILA, dba EL
 7 MARES RESTAURANT,
 Defendants.

CASE NO. C04-1882 PVT
 STIPULATION OF DISMISSAL AND
~~PROPOSED~~ ORDER THEREON

The parties, by and through their respective counsel, stipulate to dismissal of this action in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the Mutual Settlement Agreement and Release (“Agreement”), each party is to bear its own costs and attorneys’ fees. The parties further consent to and request that the Court retain jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement agreements).

///

1 Therefore, IT IS HEREBY STIPULATED by and between parties to this action
2 through their designated counsel that the above-captioned action be and hereby is dismissed
3 with prejudice pursuant to Federal Rules of Civil Procedure section 41(a)(1).

4 This stipulation may be executed in counterparts, all of which together shall constitute
5 one original document.

6 DATED: 6/15/05

THOMAS E. FRANKOVICH,
A PROFESSIONAL LAW CORPORATION

7
8 By: /s/
9 Jessica A. Dayton
10 Attorneys for Plaintiffs JAREK MOLSKI and
11 DISABILITY RIGHTS ENFORCEMENT,
EDUCATION SERVICES: HELPING YOU
HELP OTHERS

12 DATED: 5/16/05

JAMES & MCCLELLAN

14
15 By: /s/
16 Renton Rolph.
Attorneys for Defendants ADALBERTO & SARA
AVILA, dba EL 7 MARES RESTAURANT

17
18 **ORDER**

19 IT IS HEREBY ORDERED that matter is dismissed with prejudice pursuant to
20 Fed.R.Civ.P.41(a)(1). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for
21 the purpose of enforcing the parties' Mutual Settlement Agreement and Release should such
22 enforcement be necessary.

23 DATED: JUNE 16, 2005
24 _____, 2005

/S/ Patricia V. Trumbull

25 _____
26 Hon. Patricia V. Trumbull
27 United States Magistrate Judge
28